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SUBJECT: SWITZERLAND--2009 TIP REPORT: PRESS GUIDANCE AND
DEMARCHE

REF: A. 2009 STATE 59732
[1](#)B. 2009 STATE 5577

[1](#)1. This is an action cable; see paras 5 through 7 and 10.

[1](#)2. On June 16, 2009, at 10:00 a.m. EDT, the Secretary will release the 2009 Trafficking in Persons (TIP) Report at a press conference in the Department's press briefing room. This release will receive substantial coverage in domestic and foreign news outlets. Until the time of the Secretary's June 16 press conference, any public release of the Report or country narratives contained therein is prohibited.

[1](#)3. The Department is hereby providing Post with advance press guidance to be used on June 16 or thereafter. Also provided is demarche language to be used in informing the Government of Switzerland of its tier ranking and the TIP Report's imminent release. The text of the TIP Report country narrative is provided, both for use in informing the Government of Switzerland and in any local media release by Post's public affairs section on June 16 or thereafter. Drawing on information provided below in paras 8 and 9, Post may provide the host government with the text of the TIP Report narrative no earlier than 1200 noon local time Monday June 15 for WHA, AF, EUR, and NEA countries and OOB local time Tuesday June 16 for SCA and EAP posts. Please note, however, that any public release of the Report's information should not/precede the Secretary's release at 10:00 am EDT on June 16.

[1](#)4. The entire TIP Report will be available on-line at www.state.gov/g/tip shortly after the Secretary's June 16 release. Hard copies of the Report will be pouched to posts in all countries appearing on the Report. The Secretary's statement at the June 16 press event, and the statement of and fielding of media questions by G/TIP's Director and Senior Advisor to the Secretary, Ambassador-at-Large Luis CdeBaca, will be available on the Department's website shortly after the June 16 event. Ambassador de Baca will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

[1](#)5. Action Request: No earlier than 12 noon local time on Monday June 15 for WHA, AF, EUR, and NEA posts and OOB local time on Tuesday June 16 for SCA and EAP posts, please inform the appropriate official in the Government of Switzerland of the June 16 release of the 2009 TIP Report, drawing on the points in para 9 (at Post's discretion) and including the text of the country narrative provided in para 8. For countries where the State Department has lowered the tier ranking, it is particularly important to advise governments prior to the Report being released in Washington on June 16.

[1](#)6. Action Request continued: Please note that, for those countries which will not receive an "action plan" with specific recommendations for improvement, posts should draw host governments' attention to the areas for improvement identified in the 2009 Report, especially highlighted in the "Recommendations" section of the second paragraph of the narrative text. This engagement is important to establishing

the framework in which the government's performance will be judged for the 2010 Report. If posts have questions about which governments will receive an action plan, or how they may follow up on the recommendations in the 2009 Report, please contact G/TIP and the appropriate regional bureau.

¶7. Action Request continued: On June 16, please be prepared to answer media inquiries on the Report's release using the press guidance provided in para 11. If Post wishes, a local press statement may be released on or after 10:30 am EDT June 16, drawing on the press guidance and the text of the TIP Report's country narrative provided in para 8.

¶8. Begin Final Text of Switzerland's country narrative in the 2009 TIP Report:

Switzerland (TIER 1)

Switzerland is primarily a destination and, to a lesser extent, a transit country for women and children trafficked for the purposes of commercial sexual exploitation and forced labor. One NGO reported that roughly 50 percent of the trafficking victims counseled in Switzerland came from Eastern Europe; 27 percent were from Latin America; 14 percent were from Asia; and the remaining nine percent came from Africa. Primary countries of origin during the reporting period were Romania, Hungary, Poland, Bulgaria, Slovakia, the Czech Republic, Slovenia, Ukraine, Moldova, Brazil, the Dominican Republic, Thailand, Cambodia, Nigeria, and Cameroon. Swiss federal police assess that the total number of potential trafficking victims residing in Switzerland is between 1,500 and 3,000. There is reportedly forced labor in the domestic service sector. Trafficking of ethnic Roma minors, who reportedly are brought from other European countries to various Swiss cities to beg and commit petty theft, is a rising concern of Swiss authorities.

The Government of Switzerland fully complies with the minimum standards for the elimination of trafficking. While only 16 percent of trafficking offenders convicted during the reporting period served time in jail and authorities initiated no labor trafficking prosecutions, the number of sex trafficking convictions increased.

Recommendations for Switzerland: Increase the number of convicted traffickers serving time in prison; establish formal procedures to guide officials nationwide in proactively identifying victims among vulnerable groups, such as women in prostitution, street children, or undocumented migrant worker; establish formal procedures to guide officials nationwide in referring potential victims to service providers; provide adequate funding for trafficking victim service providers; consider a nationwide awareness campaign that addresses labor and sex trafficking and targets potential victims, the general public, as well as potential clients of the sex trade and beneficiaries of forced labor.

Prosecution

The Government of Switzerland's anti-trafficking law enforcement efforts yielded an increased numbers of sex trafficking convictions during the reporting period, though very few convicted trafficking offenders served jail time, and there were no labor trafficking prosecutions. Switzerland prohibits trafficking for both sexual and labor exploitation under the new Article 182 of the Swiss penal code, which prescribes penalties of up to 20 years, imprisonment and are commensurate with penalties prescribed for other grave crimes. To improve the process for gathering statistics on trafficking prosecutions, Switzerland's 26 cantons embarked on a data harmonization process that has resulted in a change of timing for the release of comprehensive law enforcement statistics. As a result, the latest available law enforcement statistics for this Report were the comprehensive data from 2007. Authorities reported 20 prosecutions under the trafficking statute in 2007,

compared to 20 prosecutions under the trafficking statute in ¶2006. Swiss courts handed down convictions of 22 people under article 182 and three for sex trafficking under a separate forced prostitution statute in 2007, compared with five under the trafficking statute and 11 for sex trafficking under the forced prostitution statute in 2006. Authorities reported no labor trafficking prosecutions or convictions in ¶2007. Of those convicted and receiving sentences that were not subsequently suspended, the average sentence in 2007 was two years, imprisonment -- the same average sentence seen in ¶2006. The maximum jail sentence that was not suspended in 2007 was four years, compared to a maximum of 28 months, imprisonment in 2006. The government reported that only 16 percent (four of the 25) convicted trafficking offenders in 2007 served time in jail. The government trained 25 Swiss prosecutors and judges in November on sensitization to trafficking issues, such as recognizing trafficking crimes and appropriate victim protection.

Protection

The government demonstrated sustained victim protection efforts during the reporting period. The Swiss federal and cantonal governments have established some systems for human trafficking identification. For example, the Swiss Foreign Office has procedures for screening visa candidates who seek to travel to Switzerland to work as cabaret dancers, a group considered to be particularly vulnerable to trafficking. The Federal Police have a trafficking victim-screening checklist that is distributed to all federal and cantonal police officials and is mandatory for use in all cantonal immigration offices. Thirteen out of Switzerland's 26 cantons have their own formal procedures for victim identification and referral. NGOs suggested that centrally-determined standards for how individual cantons are to provide assistance to victims would be useful. Trafficking victims had access to free and immediate medical, psychological, and legal assistance in coordination with government- and NGO-funded victim assistance centers or battered women's shelters. Funding levels for the reporting period were not available, but some NGOs indicated government funding for victim assistance was inadequate. Special protective measures were available for juvenile trafficking victims. There were no specialized facilities for male victims of trafficking, although authorities did not identify any male victims in 2007. In January 2009, Switzerland amended its victim assistance law to include incentives for victim assistance centers to tailor programs for trafficking victims. The government reported assisting 128 trafficking victims in 2007. There were no reports that victims were penalized for unlawful acts committed as a direct result of their being trafficked. Swiss authorities encouraged victims to participate in the prosecution of trafficking offenders and granted foreign victims both temporary and long-term legal alternatives to removal to countries where they faced hardship or retribution. The government started a pilot program in April 2008 to assist victims with repatriation to their home countries.

Prevention

The government demonstrated some trafficking prevention efforts during the reporting period. In conjunction with the European Soccer Cup, which Switzerland hosted jointly with Austria in June 2008, the government provided \$96,000 to NGOs to implement an anti-trafficking public awareness campaign. The campaign targeted potential clients of Switzerland's sex trade through TV and Internet spots and posters but ran only from March to September. The government provided funding for a hotline for Russian-speaking trafficking victims, though it did not provide funding for the main victim assistance hotline, which was run by an NGO on private donations. The Swiss Ministry of Foreign Affairs hosted a November 2008 conference on the linkages among prostitution, migration, and human trafficking. The Swiss government funded trafficking prevention and protection programs in various countries and regions at an annual level of approximately \$5.4 million. The Swiss federal police added a form to its website where

suspected incidents of child sex tourism could be reported. Switzerland's penal code provides for extraterritorial application of Switzerland's child sexual abuse laws, though there were no reported prosecutions or convictions of Swiss child sex tourists under this law. The government provided specific anti-trafficking training modules for all Swiss peacekeeping troops.

19. Post may wish to deliver the following points, which offer technical and legal background on the TIP Report process, to the host government as a non-paper with the above TIP Report country narrative:

(begin non-paper)

-- The U.S. Congress, through its passage of the 2000 Trafficking Victims Protection Act, as amended (TVPA), requires the Secretary of State to submit an annual Report to Congress. The goal of this Report is to stimulate action and create partnerships around the world in the fight against modern-day slavery. The USG approach to combating human trafficking follows the TVPA and the standards set forth in the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime (commonly known as the "Palermo Protocol"). The TVPA and the Palermo Protocol recognize that this is a crime in which the victims' labor or services (including in the "sex industry") are obtained or maintained through force, fraud, or coercion, whether overt or through psychological manipulation. While much attention has focused on international flows, both the TVPA and the Palermo Protocol focus on the exploitation of the victim, and do not require a showing that the victim was moved.

-- Recent amendments to the TVPA removed the requirement that only countries with a "significant number" of trafficking victims be included in the Report. Beginning with the 2009 TIP Report, countries determined to be a country of origin, transit, or destination for victims of severe forms of trafficking are included in the Report and assigned to one of three tiers. Countries assessed as meeting the "minimum standards for the elimination of severe forms of trafficking" set forth in the TVPA are classified as Tier 1. Countries assessed as not fully complying with the minimum standards, but making significant efforts to meet those minimum standards are classified as Tier 2. Countries assessed as neither complying with the minimum standards nor making significant efforts to do so are classified as Tier 3.

-- The TVPA also requires the Secretary of State to provide a "Special Watch List" to Congress later in the year. Anti-trafficking efforts of the countries on this list are to be evaluated again in an Interim Assessment that the Secretary of State must provide to Congress by February 1 of each year. Countries are included on the "Special Watch List" if they move up in "tier" rankings in the annual TIP Report -- from 3 to 2 or from 2 to 1 -- or if they have been placed on the Tier 2 Watch List.

-- Tier 2 Watch List consists of Tier 2 countries determined: (1) not to have made "increasing efforts" to combat human trafficking over the past year; (2) to be making significant efforts based on commitments of anti-trafficking reforms over the next year, or (3) to have a very significant number of trafficking victims or a significantly increasing victim population. As indicated in reftel B, the TVPRA of 2008 contains a provision requiring that a country that has been included on Tier 2 Watch List for two consecutive years after the date of enactment of the TVPRA of 2008 be ranked as Tier 3. Thus, any automatic downgrade to Tier 3 pursuant to this provision would take place, at the earliest, in the 2011 TIP Report (i.e., a country would have to be ranked Tier 2 Watch List in the 2009 and 2010 Reports before being subject to Tier 3 in the 2011 Report). The new law allows for a waiver of this provision for up to two additional years upon a determination by the President that the country has developed and devoted sufficient resources to a written plan to make

significant efforts to bring itself into compliance with the minimum standards.

-- Countries classified as Tier 3 may be subject to statutory restrictions for the subsequent fiscal year on non-humanitarian and non-trade-related foreign assistance and, in some circumstances, withholding of funding for participation by government officials or employees in educational and cultural exchange programs. In addition, the President could instruct the U.S. executive directors to international financial institutions to oppose loans or other utilization of funds (other than for humanitarian, trade-related or certain types of development assistance) with respect to countries on Tier 3. Countries classified as Tier 3 that take strong action within 90 days of the Report's release to show significant efforts against trafficking in persons, and thereby warrant a reassessment of their Tier classification, would avoid such sanctions. Guidelines for such actions are in the DOS-crafted action plans to be shared by Posts with host governments.

-- The 2009 TIP Report, issuing as it does in the midst of the global financial crisis, highlights high levels of trafficking for forced labor in many parts of the world and systemic contributing factors to this phenomenon: fraudulent recruitment practices and excessive recruiting fees in workers' home countries; the lack of adequate labor protections in both sending and receiving countries; and the flawed design of some destination countries' "sponsorship systems" that do not give foreign workers adequate legal recourse when faced with conditions of forced labor. As the May 2009 ILO Global Report on Forced Labor concluded, forced labor victims suffer approximately \$20 billion in losses, and traffickers' profits are estimated at \$31 billion. The current global financial crisis threatens to increase the number of victims of forced labor and increase the associated "cost of coercion."

-- The text of the TVPA and amendments can be found on website www.state.gov/g/tip.

-- On June 16, 2009, the Secretary of State will release the ninth annual TIP Report in a public event at the State Department. We are providing you an advance copy of your country's narrative in that report. Please keep this information embargoed until 10:00 am Washington DC time June 16. The State Department will also hold a general briefing for officials of foreign embassies in Washington DC on June 17 at 3:30 pm EDT.

(end non-paper)

¶10. Posts should make sure that the relevant country narrative is readily available on or through the Mission's web page in English and appropriate local language(s) as soon as possible after the TIP Report is released. Funding for translation costs will be handled as it was for the Human Rights Report. Posts needing financial assistance for translation costs should contact their regional bureau's EX office.

¶11. The following is press guidance provided for Post to use with local media.

Q1: Why was Switzerland given a ranking of Tier 1?

A: The Government of Switzerland fully complies with the minimum standards for the elimination of trafficking.

Q2: What progress has Switzerland made in the past year?

A: During the reporting period, the number of sex trafficking convictions increased. The Swiss government also funded trafficking prevention and protection programs in various countries and regions at an annual level of approximately \$5.4 million.

Q3: What can Switzerland do to improve its fight against

trafficking in persons?

A: To improve its anti-trafficking performance, the government should: increase the number of convicted traffickers serving time in prison; establish formal procedures to guide officials nationwide in proactively identifying victims among vulnerable groups, such as women in prostitution, street children or undocumented migrant workers; establish formal procedures to guide officials nationwide in referring potential victims to service providers; provide adequate funding for trafficking victim service providers; consider a nationwide awareness campaign that addresses labor and sex trafficking and targets potential victims, the general public, as well as potential clients of the sex trade and beneficiaries of forced labor.

¶12. The Department appreciates posts' assistance with the preceding action requests.

CLINTON